

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ALLIED WASTE NORTH AMERICA,
LLC AND 623 LANDFILL, INC.,

PLAINTIFF,

v.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 25, THOMAS G. MARI,
INDIVIDUALLY AND AS PRESIDENT,
STEVEN J.SOUTH, AS
SECRETARY-TREASURER, JOAN C. COREY,
AS VICE PRESIDENT/BUSINESS
AGENT, PETER S. BERRY, AS RECORDING
SECRETARY, MILTON DEPINA,
INDIVIDUALLY AND AS UNION
REPRESENTATIVE, NICO CATANO,
INDIVIDUALLY AND AS UNION TRUSTEE,
ERIC LOGAN, INDIVIDUALLY AND AS
UNION REPRESENTATIVE, DAVID SMITH,
INDIVIDUALLY AND AS UNION
REPRESENTATIVE BRIAN J. HATCH,
INDIVIDUALLY AND AS BUSINESS AGENT,

And

JOHN DOES 1-100; and all other conspiring,
acting in concert, or otherwise participating with
them or acting in their aid or behalf,

DEFENDANTS.

CIVIL ACTION NO. 1-25-cv-11990

AFFIDAVIT OF DAVID SMITH

I, David Smith, depose and state the following:

1. I am over the age of twenty-one, make the statements contained in this affidavit based on personal knowledge, and am competent to testify as to all relevant facts here.

2. I am an employee of Republic Services. I have been employed by Republic or its predecessor for the last 20 years as a driver. I work at the Peabody location.

3. I am also a union shop steward. As steward, I do not have unilateral authority to bind Teamsters Local 25, but do participate in things like bargaining and disciplinary matters concerning employees at the Peabody location when they arise.

4. On July 2, 2025, I joined my co-workers in an unfair labor practice strike for fair wages and benefits. The strike is ongoing, and I have been on the picket line in Peabody just about every day since, usually from about 2 a.m. to 2 p.m.

5. At any given time, there are usually about 15 people on the line with me. However, all sorts of people from all backgrounds have joined us on the strike line. This includes employees of other employers, non-Teamster union officials, members of the public, kids, and even politicians.

6. At the outset of the strike, I attended an informal meeting of picketers where union trustee Nico Catano set ground rules for those picketing. Among other things, I remember he told us that we were prohibited from using racial or ethnic slurs or discriminatory language.

7. Since the strike started, we never prevented or blocked a vehicle from entering or exiting the facility. We have delayed *some* vehicles while exiting, but only for the period of time permitted by the police on the scene.

8. This number has changed over time. Initially, police limited us to 10 minutes, then it was 3 minutes, then it was 7 minutes

9. I am the time keeper when on the line, so I keep watch of the time when a vehicle is exiting, and at the seven-minute mark, I tell picketers to let drivers through. Police similarly enforce the time limit.

10. On the picket line, I have not witnessed violence, property destruction, or anyone using racial slurs or bigoted or homo phobic language. I have heard replacement drivers get called a “scab” or a “maggot” but never a “faggot.”

11. Likewise, I myself have never used this language. I have never called anyone a “dumb bitch dyke” or a “faggot,” and specifically deny ever using that language toward any of the replacement drivers. I have never attacked out-of-state General Manager Trainee Che Erickson about her weight or sexuality. My remarks to her have all only centered on the fact that she is a veteran like me. When she told me she was a veteran, I told her she should be ashamed of herself for taking fellow veterans’ jobs.

12. However, I have witnessed replacement drivers antagonize us as they enter and exit the Peabody facility. Just today, July 16, 2025, I witnessed a replacement driver who was exiting the facility taunt us about taking our jobs. With a big smirk, a replacement driver stuck his hand out the window and rubbed his fingers and thumb together, gesturing that he was making money while we were on the line suffering as he drove by. Other drivers at other times have given us the middle finger or blared their horns at us.

13. That said, the first days of the strike seemed to be the most intense in terms of interactions between replacement drivers and picketers. From what I have seen, the intensity has slowly decreased over time. This is largely thanks to the Peabody Police Department and interventions they have put in place to keep the peace between the parties.

Signed under the penalties of perjury this 17th day of July 2025.

/s/ David Smith

David Smith